IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

On this 8th Day of June 2004
Criminal Bail Application No. 390 of 2004

Order on the bail application of the accused.

Criminal Side

Ramesh Chandra Pandey
S/o Madan Mohan Pandey,
R/o Anukampa Bhawan,
Lohariyasaal Malla Haldwani
District Nainital, the then Postal
Assistant, Saving Bank Control
Organization (S.B.C.C.O.) H.P.O.
Haldwani ---Applicant

Vs.

C.B.I., S.P. E. Dehradun ---Respondent.

Arising out of Rc No. 0072003 A0016, C.B.I. Case No. 1 of 2004
U/S 120(B), 409,467, 468, 471 IPC & Section 13(2) read with
Section 13(1) (d) P.C. Act 1988.
P.S. C.B.I. S.P.E., Dehradun.
District Dehradun.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri J.C. Joshi learned counsel for the applicant and Sri U.K. Uniyal learned counsel for C.B.I. and perused the record.

It is not in dispute that durng the period from 24-3-2001 to 23-3-2001 on the basis of forged withdrawl forms total sum of Rs. 2,50,020/- was withdrawn from seven Recurring Deposit Accounts with the head Post Office Haldwani. According to the prosecution the illegal act was accomplished in pursuance of criminal conspiracy by the officials of the department including the applicant-accused who was working as Postal Assistant Savings Bank Control Organization, Nainital circle. Learned counsel for the applicant-accused submitted that the applicant was not posted at H.P.O. Haldwani during the said period and in fact he joined there on 8-5-2001 in pursuance of his transfer order dated 27-4-2001. At the time of the transfer he was posted at Almora H.P.O. in the said organization. A senior officer of the department has however submitted that during the above mentioned period the applicant-

accused also used to be casually deputed from one post office to another and he was also party to the criminal conspiracy to commit the offence.

Learned counsel for the applicant-accused urged that a bald claim of the officer of the department is not substantiated from record in regard to the casual posting at H.P.O. Haldwani during the said period. Having gone through the case diary, the submission can not be said to be without force and it is a matter of evidence which could only substantiate the stand taken by the senior officer of the postal department.

Learned counsel for the C.B.I. also drew attention to the procedure prescribed for withdrawal of the money and subsequent verification of the record by the officials including the applicant-accused but it can not be denied at this stage that the verification got to be made after the actual withdrawl of the money by the depositors regarding which there can not be any dispute. Without further analyzing the evidence collected during the investigation and taking into consideration the glaring aspect that the applicant-accused on transfer joined at H.P.O. Haldwani on 8-5-2001, he is entitled to bail. The bail application is allowed.

The applicant-accused Ramesh Chandra Pandey shall be released in Rc No. 0072003A0016, C.B.I. Case No. 1 of 2004, under sections 120(B), 409, 467, 468, 471 I.P.C. and Section 13(2) read with section 13(1) (d) P.C. Act 1988, P.C. C.B.I. S.P.E. Dehradun on his executing a personal bond and two sureties each in the like amount to the satisfaction of Special Judge, Anti-corruption (C.B.I.) Uttaranchal Dehradun.

(Irshad Hussain, J)

Dated 08.06.2004
ISB